

ORIGINAL

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IN UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JOHN MCALLISTER;)	CIVIL NO. 04-00625 SOM-BMK
)	
Plaintiff,)	
)	DECLARATION OF
vs.)	JOHN MCALLISTER
)	
UNIVERSITY OF HAWAII;)	
KAPIOLANI COMMUNITY COLLEGE;)	
JANE CALFEE, Instructor at Kapiolani)	
Community College; RICHARD DOE,)	
Academic Counselor at Kapiolani)	
Community College; JILL MAGNAGON,)	
Director of Academic Counseling)	
Services at Kapiolani Community)	
College; MONA LEE, Dean of Student)	
Services at Kapiolani Community)	
College;)	
Defendants.)	
_____)	

DECLARATION OF JOHN MCALLISTER

CITY AND COUNTY OF HONOLULU)	
)	SS.
STATE OF HAWAII,)	

1. COMES NOW, the Plaintiff JOHN MCALLISTER, who first duly swears upon oath and upon penalty of perjury that.

2. The Defendants, all of them violated the Agreements ---- 1) May 1, 2003
"You will be administratively withdrawn from Math 24 and FAMR. Exhibit B is a true copy of John Morton's letter of May. 1, 2003 addressing redress from the Tutor discrimination and retaliation situation and promising to remove the failing grades of the spring quarter of 2003.

3. I actually retook those 2 course in the summer of 2003 and got a C in math 24, but the FAMR course grade was never change is still recorded as incomplete even though I retook and passed the course.

4. The FAMR (Family Growth and Development) teacher, Irving Cohen, told me that I passed the course and he was waiting for the administration to give him instructions about how to change the grade. I never got changed, even though incompletes are only supposed to last no more than 4 months.

5. John has retaken some of these classes and improved the grades @ Honolulu Com. College after he left Diamond head Com. College. For instance he retook the English 100 class that Jane Calfee acted so bigoted in at HCC. But the U H system is still reporting the earlier discriminatory F grade assigned by Defendant Jane Calfee, as well as the "B" grade I got at HCC when I retook the test.

6. According to U of H's rules F grades are not supposed to transfer, so Defendant Jane Calfee's the FAMR grades should not be following me around to other campuses. And when I retook the English 100 course, the new B grade should be substituted for the F grade given my by defendant Jane Calfee, after she administratively removed my from the English 100 class.

7. The bad grades were the product of racism and retaliation for exercising his Civil Rights.

8. The School promised to not report these grades — indefinitely and gave him an opportunity to retake the bad courses.

9. H kicked John off the campus, therefore should have paid the V.A. back.

10. The VA said they were not going continue to fund.

11. They have put a hold on his transcripts so he cannot even transfer.

12. My current GPA since leaving KCC is 3.33 – Which indicates further that the problem at Kapiolani was not me but the administration, which fostered a climate of racial bigotry, insult and hate for black students, by not protecting the students and quickly and appropriately addressing incidents of racial slurs and denials of black students rights to academic freedom to address controversial issues of discrimination in class, even when introduced and brought up by a teacher.

13. He has retaken some of these classes, but they refuse to change the grades continuing to penalize him.

14. John's current grade point average is well above average.

15. When John was admitted to U of H they did not include the Diamond Head Grades, because F's do not transfer, so he was admitted with a better than 2.5 average.

13. Now however Defendant Mona Lee has contacted U H Manoa and informed them about the spurious \$750 debt based upon Diamond Head's improper

removal of John from classes, which the VA paid for in the Spring of 2003, when I was being racially harassed and denied services the V.A. paid for.

14. After Diamond head Community College screwed up my Spring 2003 semester with discriminatory incidents, in the summer I had to double up on classes, to make up courses, but I could not work due to the double class load.

15. Mona Lee called John and said Unless you pay the full \$700 now, she will put a hold on his transcripts and record. Before he had been allowed to pay installments of \$50. Or \$100 a month on the original \$1200 debt. And even staying in school and working part time he was paying the debt off. He was only one month late.

16. John finished the work for Human Development – But the teacher refuses to change the grade from Incomplete – to the B he earned. He never got a grade even though he finished the tests and papers.

17. The freezing of my grades and transcripts by Diamond Head Community College, prevents me from registering for summer school with not only U of H but any other college.

18. Due to the difficulty I have had and am continuing to have with the University of Hawaii system, the Veteran's Administration has recommended I transfer to another university and Hawaii Pacific College has interviewed me tentatively accepted my application, pending receipt of my grades from the University of Hawaii.

19. On May 12, 2006 I graduated from Honolulu Community College with a 3.0 GPA for the work I did there. Exhibit 4 is a true copy of my diploma and exhibit 5 is a true copy of my grades from HCC.

20. I actually finished my courses at HCC in December 2005, and just completed my first semester at the University of Hawaii at Moana, where I earned a 3.1 GPA.

21. The University of Hawaii Social Work program denied my application for entry into their program, not because I was a poor student at U of H, Manoa, because my 2.5 GPA @ UH Manoa qualifies me for acceptance into the UH social work program; but because the UH Manoa social work program mysteriously saw fit to look for and include my non-transferable Failing grades from the period that I was told to stay away from the KCC campus as was the victim of pervasive and retaliatory discrimination at KCC into his U of H Manoa GPA to disenfranchise him from fair educational opportunity.

22. Defendant Mona Lee never sent me any letters informing me of the hold upon my transcripts and grades. KCC did send a statement for payment of \$50.00 a month. And Plaintiff paid the installments for about a year.

23. However, in March 2006 Defendant Mona Lee called me and said since I was a month behind in the installment payments, she was accelerating the total debt of \$750. and partial payment would no longer suffice.

24. I learned on March 16, 2006, Defendant Mona Lee had placed a financial hold on my registration for U of H and my transcripts.

25. Without being registered in school my V.A. educational benefits are cut off, so I need that hold lifted and the installment program re-instated, so that I can pay the \$100 arrears payments from my V.A. benefits monthly stipend and free my

transcripts to transfer to HPU to continue my education and obtain my degree.

26. I have a job at the V.A. which requires that I be registered in school to continue with the work-study program. Therefore, the hold on my transcripts therefore interferes with my ability to work outside of the U of H system, and is causing me to be fired from my work study job and lose my V.A. educational benefits, the means that I have been made destitute and homeless by vindictive and retaliatory defendants, even though my teachers recognize I am making good progress towards my degree.

27. Exhibit A is a true copy of a letter dated April 3, 2003 from Defendant Mona Lee, Dean of Student Services. It says that I should not be penalized for non-attendance of class due to the racial incidents that I have been subjected to recently at the school and that I would receive tutoring services and be allowed to make up any work in the FAMR and Math courses. But no tutoring services were provided.

28. Exhibit B is a true copy of a letter dated May 1, 2003 from John Morton saying I will be "administratively withdrawn from the FAMR and Math class, with no penalty, no record of your enrollment of these courses will appear on your transcripts and the tuition paid for these courses will be refunded."

29. But this never happened and I am still being penalized due to the appearance of these courses on my transcript and by the lack of refund of the tuition money, Dean Morton recognized should be refunded under the circumstances.

30. Exhibit C is a true copy of a letter from the spring of 2006 from Mari Ono, Social Work Program Administrator @ UH Manoa telling me why I was not admitted to the U of H Manoa Social Work program and identifying the problem as the as the non-

transferable F grades from UH @ KCC brought my GPA down below 2.5. And my personal statement did not address these F's. I did not address them in my application because the F's are supposed to be non-transferable and it is a long and complicated story, which is the reason we are in court with this case.

31. Exhibit D is a true copy of a letter dated April 14, 2006 computer print out of an Administrative hold on my records at U of H. Indicating that I cannot register from March 14, 2006 to December 31, 2009 in the U of H system. And this hold was originated by the Defendants at the UH Kapiolani campus.

32. Exhibit E is a true copy of a letter dated July 18, 2003 from Defendant Mona Lee to Cindy Suzuki, the registrar changing Plaintiff's incomplete Math grade to a C. The FAMR grade should have been upgraded and changed at the same time, because I retook the course, but it was not.

33. Exhibit F is a true copy of a letter dated Oct. 6, 2003 from the Chancellor at KCC, John Morton to me, indicating he received the comments I made in the Leon Richards report and recommendations about my complaint against Jane Calfee, for discriminating against black students, and me in her class.

34. I noted Dean Richards recommendations and agreed with them but they did not go far enough in making me whole for these discriminatory episodes. So I filed a formal grievance, but no hearing on the grievance was ever set up as promised.

35. Exhibit G is a true copy of a letter dated Jan. 20, 2004 from the National Association For the Advancement of Colored People expressing concern about treatment of Plaintiff and black students at KCC.

36. Exhibit H is a true copy of a e-mail dated May 1, 2003 to Mary Perro from Defendant Mona Lee regarding a phone conversation with Mr. McAllister's V.A. counselor, we agreed to award Mr. McAllister an incomplete for the 2 classes he could not complete the quarter. They will remove the I grades in August, while Mr. McAllister re-takes the courses.

37. Also Mono Lee acknowledged that under V.A. regulation the V.A. educational payments continue only while Mr. McAllister is enrolled in college. So her present actions of sending out notification to the UH system about those retaliatory discriminatory grades that were given to me after I complained about Jane Calfee and Richard the tutor's discriminatory treatment of me. She is attempting to run me out of town before the trial in August.

38. So I need the hold lifted to continue with my schooling at HPU and pay my rent right away.

39. Despite all of the obstacles and obstructionary tactics by the Defendants I have been pursuing my college education in Hawaii as best I can and have kept a 3.0 GPA since leaving Diamond Head - KCC - Community College. I feel it is unfair for KCC to continue to retaliate against me by bringing up these old grades that were product of my being discriminated against and protesting that discrimination and being barred from the classes, preventing me from completing them.

40. KCC promised to eliminate these bad grades from my record because I was being harassed racially and told not to attend my courses in the fall of 2003, after Jane Calfee removed me from the English class. But they never did so, and now they

are bringing them up to prevent me from progressing in my education.

WHEREFORE, PLAINTIFF respectfully requests that the court grant this Motion for a Temporary Restraining order and Injunction to have U H system lift the bar on the Hold on my transcripts so that I can transfer to HPU and have my application for admission the U of H Social Work Program considered fairly without the KCC grades.

For good cause stated above.

FURTHER DECLARANT SAYETH NAUGHT.


Plaintiff, JOHN MCALLISTER